

REMARKS

In the April 8, 2005 Office Action, claims 1-6, 8-20 and 22-29 were rejected under 35 USC § 102(e) as anticipated by U.S. Patent 6,839,850 to Campbell et al. (hereafter, "Campbell"). Claims 7 and 21 were rejected under 35 USC § 103(a) as unpatentable over Campbell. The rejections are respectfully traversed below.

Rejections under 35 U.S.C. § 102(e)

In item 9 on page 3 of the Office Action, claims 1 and 27-29 (claim 29 was inadvertently numbered incorrectly in the Preliminary Amendment) were rejected under 35 U.S.C. § 102(e) as anticipated by Campbell. Independent claims 1 and 27-29 have been amended to clarify the dependences in an effort to "better define over Campbell" as suggested in the July 1, 2005 Examiner Interview Summary. The amended claims are based on limitations previously recited canceled claim 15 and "training" data as described in the application at least in paragraphs [0021], [0023] and [0064].

Nothing has been cited or found in Campbell that teaches or suggests "training activity parameters each describing activity of at least one of a corresponding device and a corresponding service" (claim 1, lines 3-4). In contrast, what was cited in Campbell discloses "Gauges ... used by the SI&W Engine (i.e., Security Indications and Warning Engine) 300 to measure key SI&W events. They also ... [represent] ongoing user actions" (column 16, lines 45-55). "Counter gauges are used to count the number of occurrences of SI&W events on a per user and per machine basis Statistical gauges are used to hold rate measures for each SI&W event" (column 17, lines 1-35). "Computations are based on values from gauges as well as intermediate values from related formula calculations" (column 17, lines 55-60) and "computations are performed and the results posted to indicators or other gauges, according to the associated rules" (column 18, lines 4-55). "Use of ... rate measures ... enables a powerful fuzzy-logic style correlation between different events and performance measures [and a] set of event categories with positive ratios can be checked against previously observed or stipulated patterns" (column 18, lines 32-40). Thus, what was cited in Campbell differs from the training activity parameters recited in claim 1 which describe activity of a device or a service. Instead, the cited disclosure of Campbell merely describes the initiating of a "fuzzy-logic style correlation between different events and performance measures" (column 18, lines 1-4) checked against prior observations of events based on computations derived from data obtained in gauges, where the gauges are collectors of data. Thus claim 1 is allowable.

Dependent claims 2-14 depend from claim 1 and distinguish over the applied art for at least the reasons discussed regarding claim 1.

Independent claims 27, 28 and 29 recite "training activity parameters" in a manner similar to claim 1, thus claims 27, 28 and 29 distinguish over Campbell for at least the reasons discussed regarding claim 1.

In items 11-13 on page 7 of the Office Action, claims 7 and 21 were rejected as unpatentable under 35 U.S.C. § 103(a) over Campbell. The rejection of claim 21 is moot because claim 21 has been canceled along with claims 15-20 and 22-26. The Office Action admitted that Campbell "did not explicitly disclose determining possible directional dependences with regard to directions of communication between the devices" (Office Action, page 7, lines 4-6). It is worth noting that the Office Action misquoted pertinent elements of claim 7, and left out the requirement for determining possible directional dependences between devices and services. Then the Office Action used impermissible hindsight as a rationale to modify the Campbell reference so as to supply the elements admittedly missing from Campbell. Therefore, the Office Action failed to establish a case of *prima facie* obviousness over Campbell for claim 7. Thus claim 7 is allowable for the reasons set forth above with respect to claim 1 from which it depends and for this additional reason.

CONCLUSION

For at least the reasons discussed above, and there being no further outstanding objections or rejections, it is submitted that claims 1-14 and 27-29 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: Richard A. Gollhofer
Richard A. Gollhofer
Registration No. 31,106

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501